THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5751 of 2007

Date: 22.03.2007

Between:

R. Sree Ramulu

….Petitioner

and

The Sub-Registrar, Gopalapatnam,
Visakhapatnam

….Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5751 of 2007

O R D E R:

The petitioner states that he purchased land in Survey No. 139 in an extent of 150 sq.yards in Plot No.123 situated at Santoshnagar, Kothapalem, Venkatapuram, Visakhapatnam District, under a registered sale deed, dated 19.08.1989. The grievance of the petitioner is that the respondent is not entertaining any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document, that may be presented by the petitioner and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of the document. There shall be no order as to costs.

L.NARASIMHA REDDY, J

22nd March, 2007.
Note: CC in three days.
Bo cvm

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77